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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,687	09/25/2003	Kenji Samoto	117213	4431
25944	7590	09/07/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER LEE, JINHEE J	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 09/07/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/669,687  
Filing Date: September 25, 2003  
Appellant(s): SAMOTO, KENJI

**MAILED**

**SEP 07 2007**

**Technology Center 2100**

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Scott M Schulte  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed May 23, 2007 appealing from the Office action mailed August 28, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

JP-U-6-21949

3-1994

6257898

Serizawa et al.

7-2001

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

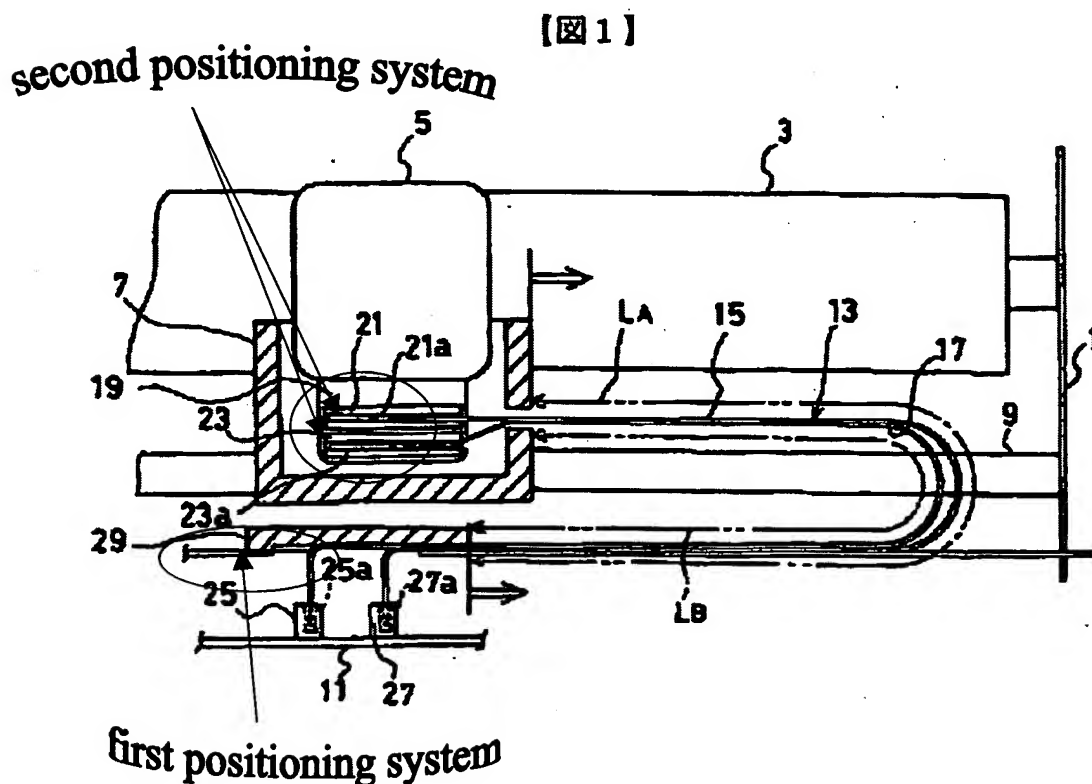
Claims 1-6, 19 and 20 are rejected under 35 U.S.C. 103. This rejection is set forth in a prior office action, mailed on August 28, 2006.

### **(10) Response to Argument**

The appellant argues that the prior art JP-U-6-21949 (JP'949) fails to disclose or suggest the limitation of "added" in regards to a first positioning system and a second positioning system. The appellant has argued that "It is not a reasonable interpretation when both JP'949 and Appellant use similar flexible cables, Appellant adds structure...when JP'949 fails to add any structure". The appellant seems to agree that the similar flexible cables are used in the prior art and in the applicant's invention. Note that the method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation is not given patentable weight in a device claim. Furthermore, the claim was rejected based on the obviousness that has been held as routine skill in the art of constructing a formerly integral structure in various elements.

While agreeing that the prior art JP'949 and the appellants invention both "use similar flexible cables", the appellant has also argued that "The previous office actions also fail to sufficiently explain ...first and second positioning systems". The examiner disagrees with the latter statement and finds the two statements contradictory. It was explained in the office action that the first positioning system is unnumbered on the cables at 29, and that the second positioning system is unnumbered on the cables at

21, 23. The first and second positioning systems are shown below in annotated figure 1 of JP'949 meeting the description provided in the office action. These features are shown near the first and second end as claimed in the claims.



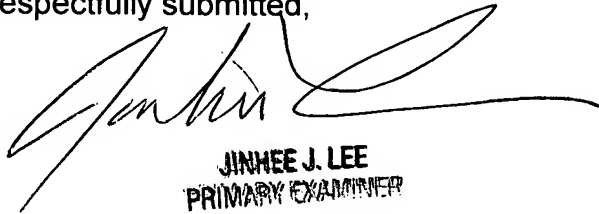
**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 2174

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



JINHEE J. LEE  
PRIMARY EXAMINER

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